

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

June 9, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.:060D-029

Oahu

Issuance of Right-of-Entry Permit to Hui Ku Maoli Ola, LLC,
on Unencumbered Lands, Waimanalo, Koolaupoko, Oahu, Tax Map
Key:4-1-13:001 (por.).

APPLICANT:

Hui Ku Maoli Ola, LLC, whose business and mailing address is 41-
888 Kakaina St., Waimanalo, Hawaii 96795.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waimanalo, Koolaupoko, Oahu,
identified by Tax Map Key: 4-1-13:001 (por.) as shown on the
attached map, labeled Exhibit A.

AREA:

41,328 sq. ft. more or less.

ZONING:

State Land Use District: Agriculture
County of Honolulu CZO: AG-2

TRUST LAND STATUS:

Section 5(B) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Unencumbered Government land, portion of Waimanalo Stream.

CHARACTER OF USE:

Planting of vegetation along Waimanalo Stream banks for soil erosion control and bio-remediation purposes.

TERM OF RIGHT-OF-ENTRY:

12 months, commencing from execution of the right-of-entry.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. (1): Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

DCCA VERIFICATION:

Place of business registration confirmed:	YES	<u>X</u>	NO	_____
Registered business name confirmed:	YES	<u>X</u>	NO	_____
Applicant in good standing confirmed:	YES	<u>X</u>	NO	_____

APPLICANT REQUIREMENTS:

No applicable requirements.

REMARKS:

Hui Ku Maoli Ola, LLC is a company that operates a native Hawaiian plant nursery for wholesale, retail and rental purposes. It has received a grant from the Federal Environmental Protection Agency to plant erosion control and bio-remediation vegetation along the banks of Waimanalo Stream in Waimanalo.

Hui Ku Maoli Ola, LLC received a grant of \$200,000.00. The grant is identified as log number 04-195 and was issued for the period of September 12, 2003 to September 12, 2006.

This grant was used for stream erosion prevention and bio-remediation work which involves the testing of the plant fiber to evaluate if nutrients are taken out of the field drainage before

entering Waimanalo Stream. The grant also requires publishing public information literature regarding their work.

The grant work involved clearing the Waimanalo Stream in Waimanalo, Oahu, identified as 4-1-013:001 (por.), by removing the jobe's tear, cane grass, and panicum grass vegetation. This type of vegetation creates a thick mat of grass that restricts stream flow and causes flooding during heavy rains.

The stream bank was planted with kwelu, naio, aalii, napaka, and ahuawa to hold down the soil. Also, these plants serve to remove non-point source pollution before it enters the stream. Non-point source pollution is the type of pollution in Waimanalo that comes from fertilizers carried in water passing through the agricultural fields and that eventually enters Waimanalo Stream. The plants remove and neutralize these chemicals in a process called bio-remediation. Waimanalo Stream has been cleared of the thick vegetative blockage and half of the stream banks are planted with native plants. The stream is now open and the remaining half of the stream banks are ready for planting.

During the latest heavy rainfall in March and April, 2006, this section of the stream was open and the heavy flow passed though without any problems. Five years ago this section of the stream flooded into the surrounding agricultural lands and Saddle City Road.

The work of Hui Ku Maoli Ola has provided a clear public benefit in this area and we respectfully request approval for this right-of-entry.

AGENCY COMMENTS:

We received comments from the Kailua baseyard of the Department of Facility Maintenance of the City and County of Honolulu regarding this project. The maintenance crew of the Kailua baseyard uses a roadway easement alongside Waimanalo Stream. They reported that the subject project has not interfered with their work and they have no problem with the project.

The Commission of Water Resource Management of the Department of Land and Natural Resources (DLNR) reports that they have no objection with the project.

The Division of Aquatic Resources of DLNR reports that they have no objections.

The Department of Hawaiian Homes reports that they also have no objections with this project.

The Clean Water Branch of the State Department of Health has advised that pursuant to HAR, Chapter 11-55, a National Pollutant Discharge Elimination System (NPDES) permit is required if the

proposed construction activities will result in the disturbance of one (1) acre or more of land area.

We used primarily a survey conducted along the bank of Waimanalo Stream adjacent to the subject area located in the State Survey Office, identified as CSF 21,507, to calculate the area of the project. The length is 1,476 feet and the width of the plant area on each side of Waimanalo Stream is 14 feet. Total area utilized is therefore 41,328 square feet, more or less. Since the area is under one acre, no NPDES permit is needed.


We respectfully request Land Board approval of this submittal.

RECOMMENDATION:

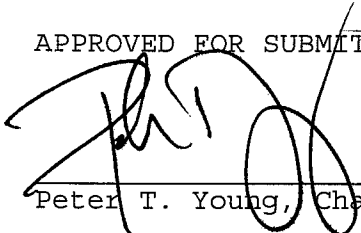
That the Board authorize the issuance of a right-of-entry permit to Hui Ku Maoli Ola, LLC, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


Cecil Santos
Oahu District Land Agent

APPROVED FOR SUBMITTAL:


Peter T. Young, Chairperson

